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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,071

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Barbara Alaine Blair

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

MAIL DATE

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11/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/632,071	<b>Applicant(s)</b> BLAIR ET AL.	
	<b>Examiner</b> Jeffrey R. Swearingen	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 3,5,7,8,11-13 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,9,10,14-16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This case has been reassigned to a new examiner.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2, 4, 6, 9-10, 14-16, 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4, 6, 9-10, 14-16, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Morohashi (US 7,130,251 B1).

5. In regard to claim 1, Morohashi disclosed:

*a memory card reader configured to removably receive at least one audio memory card and to read and write digital audio content on the audio memory card;* column 5, line 67 – column 6, line 5

*an internal memory configured for storing the audio content;* column 5, line 65 – column 6, line 24

*a controller configured for directing transfer of the digital audio content, independent of a personal computer, via a modem between a digital content service provider and at least one of the at least one audio memory card and the internal memory; and* column 6, lines 24-66; column 10, lines 44-49

*an interactive graphical display configured for displaying information regarding the digital audio content being transferred and for directing transfer of the digital audio content through*

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*activatable functions on the display, the interactive graphical display including an audio transfer user interface for transferring digital audio content, the user interface comprising: column 7, lines 14-23; Figure 10*

*an audio memory card identifier configured for identifying at least of an audio memory card name, an audio memory card title, and an audio memory card number of the at least one audio memory card; The connection of the portable device to the server would require transmission of identification information of the device*

*an audio file selector configured for selecting for transfer at least one audio file from plurality of audio files from the digital content service provider; and Column 7, lines 14-23*

*a format selector configured for selecting a digital audio file format for downloading the digital audio content form the digital content service provider. Column 6, lines 25-53. The digital audio file format is the file that is transmitted to be reproduced. See figure 10.*

6. In regard to claim 2, Morohashi disclosed:

*a protocol driver configured to cooperate with the controller to facilitate reading and writing of the digital audio content on the audio memory card in a plurality of storage formats. The content may be stored as irreproducible (column 6, line 15) or reproducible (column 6, lines 30-33)*

7. In regard to claim 4, Morohashi disclosed:

*the controller is configured for simultaneously transferring a digital image content and the digital audio content. Column 7, line 52 transmits an album image with the audio.*

8. In regard to claim 6, Morohashi disclosed:

*the memory card reader is configured to receive an image memory card with digital image content and the controller is configured for transferring the digital image content, and wherein the user interface comprises:*

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*an image memory card identifier configured for identifying at least of a name, a title, and a number of an image memory card; The connection of the portable device to the server would require transmission of identification information of the device*

*an image selector configured for selecting at least one image of a plurality of images for processing from the digital content service provider for transfer as the digital image content to the digital content transfer appliance; column 7, line 52*

*a format selector configured for selecting a format for processing; column 11, line 55 – column 12, line 3*

*a delivery selector configured for selecting a method of delivery of the processed digital images; and column 11, line 55 – column 12, line 3*

*an image gallery for viewing the digital images on the image memory card.*

Column 11, lines 50-51

9. In regard to claim 9, Morohashi disclosed:

*a network communication link configured for establishing communication between the modem of the digital content transfer appliance and the digital content service provider; and column 10, lines 44-49*

*a media player connected to the network communication link and configured for generating a graphical user interface of the digital content service provider, and configured for playing the digital audio content of the at least one audio memory cards. Column 12, lines 24-28*

10. In regard to claim 10, Morohashi disclosed:

*a web site configured for receiving the digital audio content from the modem of the digital content transfer system and for downloading the digital audio content to the modem of the digital content transfer system. Column 7, lines 15-22*

11. In regard to claim 14, Morohashi disclosed:

*receiving into a single appliance, independent of a personal computer, a plurality of memory cards including at least one of an audio memory card and a multimedia memory card; and column 5, line 65 – column 6, line 24*

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*receiving, via the single appliance independent of the personal computer, digital audio content over a modem from the digital content service provider and writing the received digital audio content to at least one of the audio memory card and the multimedia memory card.*

Column 6, lines 1-66

12. In regard to claim 15, Morohashi disclosed:

*receiving at least one of a still photo memory card and a video memory card, and further comprising receiving a digital image content into the still photo memory card or video memory card from the digital content service provider including still photo images and video images.*

Column 7, line 52

13. In regard to claim 16, Morohashi disclosed:

*storing the digital content in a memory of the single appliance.* Column 6, lines 1-66

14. In regard to claim 18, Morohashi disclosed:

*initiating a download function via a single button of a user interface of the single appliance, without further instruction, to begin transferring digital content from the digital content service provider to the single appliance.* Column 24, line 12

15. In regard to claim 19, Morohashi disclosed:

*simultaneously receiving each of the audio memory card, an image memory card, and a multimedia memory card.* Column 5, line 65 – column 6, line 24

### **Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fadell et al. US Pub. 2004/0224638 A1

Robbin et al. US 7,166,791 B2

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

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of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

/Jason D Cardone/

Supervisory Patent Examiner,

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